

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SULAIMAN TAALIBDIN
Petitioner

v.

MICHAEL D. KLOPOTOSKI,
Respondent

:
:
:
:
:
:

CIVIL ACTION NO. 09-CV-144

MEMORANDUM AND ORDER

On January 12, 2009, Petitioner filed his third motion for relief pursuant to Fed.R.Civ.P. 60(b). Petitioner originally filed, in Civil Action number 94-CV-6649, a petition for *habeas corpus* relief pursuant to 28 U.S.C. § 2254. The original petition was denied due to Petitioner's failure to exhaust his State court remedies. Petitioner appealed and the Court of Appeals for the Third Circuit affirmed the denial of his original petition.

Petitioner subsequently filed, in Civil Action numbers 05-CV-6711 and 06-CV-4412, two motions for relief from judgment pursuant to Fed.R.Civ.P. 60(b). Both motions were denied, and in Civil Action number 05-CV-6711 the Court of Appeals for the Third Circuit denied Petitioner's request for a certificate of appealability.

In the instant motion, Petitioner again seeks relief from the judgment which denied his original petition for *habeas corpus* relief. He presently asserts that the judgment is void because it was rendered "while the Court did not possess the requisite subject matter jurisdiction to adjudicate said petition." Petitioner requests that the Court hold an evidentiary hearing to permit him to demonstrate that this Court lacked the requisite jurisdiction to enter judgment.

Petitioner's request is denied because his present assertion lacks merit. His original petition was filed pursuant to 28 U.S.C. § 2254. That provision grants this court with the

hax

authority to review applications for writs of *habeas corpus* relief filed in behalf of persons in custody pursuant to the judgment of a State Court. *See also* 28 U.S.C. § 2241(a). Petitioner's claim is completely without merit. Therefore, the instant petition will be denied.

AND NOW, this 2nd day of February 2009, **IT IS HEREBY ORDERED** that:

1. Petitioner's Motion for Equitable Relief Pursuant to Rule 60(b)(4)(6) is **DENIED**;
2. There is no probable cause to issue a certificate of appealability; and,
3. The Clerk of Court shall close this matter.


JOHN P. FULLAM